

PATENT
Attorney Docket No. 403695

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of:

OKUMURA et al.

Application No. 10/577,877

Art Unit: Unassigned

Filed: April 28, 2006

Examiner: Unassigned

For: A RUST-PREVENTIVE WATER-OIL
SEPARATING CLEANER
COMPOSITION AND A CLEANING
METHOD USING THE SAME

**PETITION UNDER 37 CFR § 1.47 FOR EXAMINATION WITHOUT COMPLETION
OF DECLARATION BY AN INVENTOR WHO REFUSES TO SIGN**

Commissioner for Patents
Washington, D.C. 20231

Dear Sir:

The Assignees of the referenced patent application, Nicca Chemical Co., Ltd., and Honda Motor Co., Ltd., through their attorney, petition, pursuant to 37 CFR § 1.47(a), for completion of the filing of the referenced patent application and the commencement of examination, although the third named inventor refuses to sign the Declaration.

The referenced patent application is the United States national phase application of Patent Cooperation Treaty Application No. JP2004/015520, which was filed on October 20, 2004 (“the PCT application”). The PCT application is based upon, and claims priority from, Japanese Patent Application No. 2003-381205, which was filed on November 11, 2003 (“the Japanese application”). The patent application names four inventors, namely, Kaushi Okumura, Hirofumi Tochikawa, Masahiro Makino, and Hideaki Tojo.

All of the named inventors except for the third named inventor, Masahiro Makino, have signed an English language Declaration and Power of Attorney, as well as an English language Assignment assigning their interests in the patent application to the Assignees identified above. Copies of the Declaration and Power of Attorney and the Assignment are attached to a Declaration submitted with this Petition. The Assignment is being separately filed for recording by the Assignment Branch.

The third named inventor, Masahiro Makino, has refused to sign the Assignment and the Declaration for the referenced patent application. Mr. Makino is a former employee of Nicca Chemical and the invention was made in the course of his employment. In order to prepare the documents necessary for completion of the filing of the referenced U.S. Patent Application, contact was made with Mr. Makino, requesting his signature on the necessary documents.

The first contact with Mr. Makino was made by Naoki Ogura of the Intellectual Property Administration Section of Research and Development Division of Nicca Chemical, via e-mail, on May 16, 2006, requesting to make an appointment with Mr. Makino to obtain his signature on the necessary documents. Copies of that e-mail and its English translation are attached as Exhibit A. Mr. Ogura did not receive a reply to this e-mail until May 25, 2006.

A second contact was made with Mr. Makino by Mr. Ogura on May 25, 2006, via e-mail, including an attachment of the documents to be signed. Mr. Makino replied by e-mail on May 25, 2006, indicating his refusal to sign the documents. Copies of this e-mail exchange and its English translation are attached as Exhibit C.

The last known postal address for Mr. Makino is: Sun East B 203, 615, Aza Higashida, Nishiarai, Furukawa-shi, Miyagi 989-6133, Japan. The last known e-mail address of Mr. Makino is makino-ma@nifty.com.

In proof of the foregoing facts, attached is the Declaration from Mr. Naoki Ogura.

The petition fee of \$200.00 set forth in 37 CFR § 1.17(g) is attached.

Since all requirements for completion of the patent application pursuant to 37 CFR § 1.47(a) have been met by this factual showing, and since the three cooperating inventors have completed the necessary Declaration, Petitioners request that the patent application be deemed complete, that notice be given of that decision, and that the patent application be forwarded to the proper technology center for examination.

In re Appln. of OKUMURA et al.
Application No. 10/577,877

The petition fee set forth in 37 CFR 1.17(h) is attached.

Respectfully submitted,

Stephanie M. Lawley
Stephanie M. Lawley, Reg. No. 55,362
LEYDIG, VOIT & MAYER
700 Thirteenth Street, N.W., Suite 300
Washington, D.C. 20005-3960
(202) 737-6770 (telephone)
(202) 737-6776 (facsimile)

Date: March 8, 2007